

In re Patent Application of

Atty Dkt. 2551-58
C# M#

JANNES et al

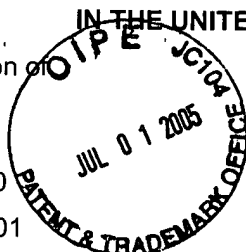
TC/A.U. 1648

Serial No. 09/787,000

Examiner: Foley

Filed: March 13, 2001

Date: July 1, 2005

Title: IDENTIFICATION OF MICROORGANISMS CAUSING ACUTE RESPIRATORY
TRACT INFECTIONS (ARI)**Mail Stop Petitions**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF JUNE 23, 2005, DUE TO NON-RECEIPT OF OFFICE ACTION DATED JULY 27, 2004

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this

paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add

\$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee

\$180.00 (1806) \$

Assignment Recording Fee

\$40.00 (8021) \$

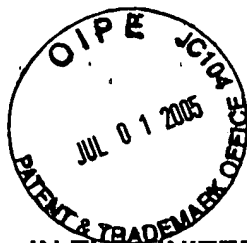
Other:

\$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JANNES et al

Atty. Ref.: 2551-58; Confirmation No. 1152

Appl. No. 09/787,000

TC/A.U. 1648

Filed: March 13, 2001

Examiner: Foley

For: IDENTIFICATION OF MICROORGANISMS CAUSING ACUTE RESPIRATORY
TRACT INFECTIONS (ARI)

* * * * *

July 1, 2005

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF JUNE 23, 2005, DUE
TO NON-RECEIPT OF OFFICE ACTION DATED JULY 27, 2004**

The present paper and attached docket sheet are being filed pursuant to the procedures described in MPEP § 711.03(c)(I.)(A.). The Office is requested to withdraw the holding of abandonment mailed June 23, 2005 as the Office Action allegedly mailed 27 July 2004 (see, attached copy of Notice of Abandonment mailed June 23, 2005) was not received by the undersigned. Attached is a copy of the undersigned's firm docket sheet from October 27, 2004, where a three month action mailed July 27, 2004, would have been docketed, as evidence of non-receipt of the Office Action indicated by the Examiner to have been mailed July 27, 2004. This evidence presumes the Office

JANNES et al
Appl. No. 09/787,000
July 1, 2005

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF June 23, 2005, DUE
TO NON-RECEIPT OF OFFICE ACTION DATED July 27, 2004**

Action allegedly mailed July 27, 2004, had a three month due date. Further evidence can be submitted as may be required by the Office if the Office Action had a different due date.

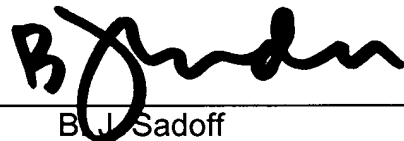
Withdrawal of the Notice of Abandonment and a copy of the Office Action allegedly mailed July 27, 2004, are requested with the date for responding to the Office Action being re-set from the new mailing date.

The Office is authorized by the attached transmittal sheet to charge the undersigned's Deposit Account for any missing or deficient fees required for consideration of the present paper.

The present paper is addressed to Mail Stop Petitions as the above-noted MPEP Section refers to this paper as a Petition. The Office is requested to direct the present paper to the appropriate party in the Office if other than the Petitions Office.

NIXON & VANDERHYE P.C.

By: _____



B.J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

OCTOBER 27, 2004

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
JSD	923-1045	91718 524	Rest (5th apt)	Aband.
JHN	3459-69	101642 606	Rest (5th apt)	5-3
RGB	839-1097	101195 210	Rest (5th apt)	5-12
MTW	39-222	91763 226	6 mo resp 1 FR	allowed
WFC	4220-129	101210-124	6 mo resp 1 FR	NOA 10/27
RAM	2220-72	91243 510	6 mo resp 1 FR	not a final
ARC	612-59	101127 221	6 mo resp 1 FR	And file 10/26
WFC	4220-129	101210-124	6 mo resp 1 FR	allowed
SSS	124-922	1010119 067	6 mo resp	NOA 10/27
JAR	2080-173	91617 818	6 mo resp	9/27
LCM	3652-40	101419 108	6 mo resp 1 FR	9-23
FP	2955-127	76/519, 011	SON on 1" EXT	allowed
FAI	2955-128	76/519, 023	SON on 1" EXT	ROLL
DSB	937-1371	76/303, 519	SON on 1" EXT	ROLL
FP	2955-128	76/138, 866	SON on 1" EXT	drop
FP	3101-182	76/190, 041	SON on 1" EXT	failed
DSB	4313-3	76/506, 217	TM 6 mo resp	transferred out
DSB	141-326	76/452, 086	TM 6 mo resp	10-27
DSB	1680-84	76/452, 055	TM 6 mo resp	Detected
DSB	141-327	76/452, 055	TM 6 mo resp	9-3-04
SCS	540-409	76/409, 802	TM 6 mo resp	10-15-01
DSB	4313-2	76/506, 516	TM 6 mo resp	7-27
LSN	3712-6	091693, 899	Issue Fee + 10-21	10-27
LSN	2018-752	101638, 492	Issue Fee + 10-21	10-21
BHO	1769-95	091941, 665	Issue Fee + 10-21	5-9
SCS	540-180	091466, 879	Issue Fee + 10-21	Drop M BHD
SCS	124-1051	101408, 377	3 mo resp	5-8
AmK	4251-2	101221, 839	3 mo resp	PM
ESD	2635-157	101397, 399	3 mo resp	ROLL
ESD	2018-516	101081, 239	3 mo resp	1024
RYM	2018-680	101361, 866	3 mo resp	1021
JAN	2581-15	101038, 165	3 mo resp (P2)	ROLL
MTW	2635-166	101621, 498	3 mo resp	1026
MTW	2051-56	101286, 810	3 mo resp	ROLL
MTW	7034-4	091985, 805	3 mo resp	ROLL
LCM	47-186	101332, 801	3 mo resp	ROLL

OCTOBER 27, 2004

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
LSU	2018-739	101606,992	3 mo Resp.	10/19
ARC	299-263	10158,106	3 mo Resp (F2)	10-26
HUB	2380-280	09/854,846	Issue Fee + 0.11% + Att. Fee	10-26
GRF	117-399	101168,796	Issue Fee + 0.11% + Att. Fee	9-30
LSU	2018-710	101435,468	3 mo Resp.	10-26
BHD	1632-12	101671,604	3 mo Resp	10-27
LSU	2018-711	101440,126	3 mo Resp.	10-26
DMB	4062-61	101392,326	3 mo Resp	10-26
PTB	4398-365	291209,939	Decl.	9-25
HUB	1038-513	101887,368	Decl.	10-22
HUB	4409-3	101890,517	Decl.	9-10
ARC	912-37	101466,078	5 MO Resp	10-21
MNL	2465-383	101601,545	5 MO Resp	10-7
MDW	39216	91395,976	5 MO Resp	ROLL
BJS	620-244	101267,206	5 mo Resp.	ROLL
BJS	2824-226	09/996,776	5 mo Resp (F2)	ROLL
SCS	124-1078	101415,960	5 MO RESP	10-22
ARC	249-190	91936,163	1 MO Resp & Resp	10-14
MNL	3835-6	101483,834	Declaration (F)	0.015
FPP	4014-T1	751339,924	See 8-15 Dec	10-27



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,000	03/13/2001	Geert Jannes	2752-33	1152

23117 7590 06/23/2005

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203



EXAMINER

FOLEY, SHANON A

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.	Applicant(s)	
09/787,000	JANNES ET AL.	
Examiner	Art Unit	
Shanon Foley	1648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 July 2004.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☒ A reply was received on 18 August 2004 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

The response filed 18 August 2004 requests reconsideration of a reconsidered petition decision rendered June 18, 2004. However, there is no response to the non-final Office action mailed 27 July 2004. Since the statutory period for reply expired October 27, 2004, this application is abandoned.

Shanon Foley
Primary Examiner
Art Unit: 1648

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.